

Message

---

**From:** Jackson, Laurianne [Jackson.Laurianne@epa.gov]  
**Sent:** 7/16/2015 10:20:07 PM  
**To:** Piggott, Amelia [Piggott.Amelia@epa.gov]  
**CC:** Madigan, Andrea [Madigan.Andrea@epa.gov]  
**Subject:** FW: Nelson Tunnel  
**Attachments:** 2012 1009 Consent Decree with Cyprus Mines.pdf; fig1 vic map.pdf; Fig 2 Facility Layout.pdf; Figure 4.pdf; CDPHE Millsite NAD 20110.pdf

## Ex. 5 AC/AWP

Laurianne M. Jackson  
Enforcement Attorney  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street (8ENF-L)  
Denver, CO 80202-1129  
Phone: 303/312-6950  
Fax: 303/312-6953

---

**From:** Joe Middleton [mailto:middleton@twhlaw.com]  
**Sent:** Thursday, July 16, 2015 3:32 PM  
**To:** ELLINGTON Jerel L. Esq. (Jerry.L.Ellington@usdoj.gov); Jackson, Laurianne  
**Cc:** Elizabeth Temkin  
**Subject:** Nelson Tunnel

Laurianne and Jerry,

I have attached the consent decree with Cyprus Mines Corporation for the Gilt Edge site. As we discussed, the covenant given to Cyprus extends to entities other than the Settling Defendants; it also applies to "Settling Defendants' Related Parties," which includes successors and assigns, as well as a number of entities related to or affiliated with Cyprus. We anticipate similar language at Gilt Edge, and would like to be consistent at Nelson Tunnel. The definitions of "Settling Defendants" and "Settling Defendants' Related Parties" appear on pages 4 and 5. The Covenant is on page 10.

I have also attached a general location map for the "Creede Millsite," and a couple of other figures that should give you a good understanding of its location and extent. CDPHE's No Action Determination is attached as well.

Thanks,  
Joe Middleton

Joseph G. Middleton  
Temkin Wielga & Hardt LLP  
1900 Wazee Street, Suite 303  
Denver, CO 80202  
Main (303) 292-4922  
Direct (303) 382-2906  
Facsimile (303) 292-4921  
[middleton@twhlaw.com](mailto:middleton@twhlaw.com)

CONFIDENTIALITY NOTE: This email message from the law office of Temkin Wielga & Hardt LLP is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this email message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this email message, please contact the sender by reply email and destroy all copies of the original message.